

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 6/5/2012

**Ordinance Amending the Land Development Code Chapter 18, Article 4, Section 18-142,
Extension or Enlargement of Nonconforming Situations (LDC-13-512)**

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Land Development Code to provide guidelines for the operation of bed and breakfast uses as a home occupation.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 4, Section 18-142(j), of the Wilmington City Code is hereby amended to read as follows:

Sec. 18-142. Extension or enlargement of nonconforming situations.

(j) Notwithstanding subsection 18-142(e), any principal structure within the 1945 corporate limits maintained as a conforming use, may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. This provision shall not apply if the nonconforming setback abuts a residential use or district.

SECTION 2: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of

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CITY CLERK
Thelma Spivey-Schary

this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on June 5, 2012.

ATTEST:

Penelope Spicer-Sidbury
Penelope Spicer-Sidbury, City Clerk



Bill Saffo
Bill Saffo, Mayor

APPROVED AS TO FORM:

Heather E. Saffo
City Attorney